IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.376 OF 2006

Rakesh Rajkumar Mahajan ...Petitioner

Vs.

The State of Maharashtra ...Respondent.

Ms. Pooja Bhojne for the petitioner.

Ms. S.B. Shinde APP for the State.

Mr. Riaz Khan, Spl. P.P. for CBI.

CORAM: V.M. KANADE, J.
DATE: 22nd February 2006

P.C.:

1. Heard the learned counsel for the petitioner and the learned Counsel for the respondents.

2. The petitioner was arrested in connection with the offence which was registered vide C.R.No. RC 12(A)-1998 dated 4/5/1998 by the C.B.I. A.C.B for the offence punishable under section 120B read with section 420 of the Indian Penal Code and also under section 467, 468 and 471 of the Indian Penal Code. It is alleged that the petitioner sold bogus tickets to passengers and accordingly several cases were filed against him including the present case in which he has been arrested. It is submitted that the petitioner is a permanent resident of the State of

Jammu and Kashmir. The respondents were directed to verify whether the address given by the applicant in the cause title of the application is correct or not and the learned Counsel submits that the authorities have verified the same and the address given by the petitioner is correct address. The Sessions Court granted bail to the petitioner. However, a condition was imposed directing the petitioner to execute P.R. Bond of Rs 1 lakh. It is submitted that the petitioner is a resident of the State of Jammu and Kashmir and it is not possible for him to give P.R. Bond of Rs 1 lakh with local surety and, therefore, the petitioner may be released on bail in the sum of Rs 25000/- with one or more sureties in the like amount as he is unable to avail of the bail in the sum of Rs 1 lakh as he does not have any acquaintance or relatives in Mumbai. Though the order was passed on 25/11/2005, the petitioner could not avail of the bail order due to his inability to furnish local sureties.

3. In the result, order passed by the Additional Sessions Judge will have to be modified. The petitioner shall be released on bail in the sum of Rs 25,000/- on his executing P.R. Bond for the said amount with one or more sureties in the like amount. It is clarified that if surety from the State of Jammu

and Kashmir is given by the petitioner, the same may be accepted by the trial court. The order passed by the Additional Sessions Judge is accordingly modified. The petitioner, on his release, shall report to the local CBI Office at Jammu once in two weeks. If there is any breach of condition imposed by this Court, liberty is given to the respondents to apply for cancellation of bail. Trial Court is directed to expedite the hearing of the case.

4. Time to furnish the surety is extended by four weeks.

V.M. KANADE, J.